

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. N-06/08-295
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Office of Vermont Health Access (OVHA) not to include certain expenses she has incurred to be included in her spenddown under Medicaid. The issue is whether intervening events have rendered this appeal moot.

DISCUSSION

The petitioner was the subject of Fair Hearing No. 19,796, in which the Board recently decided that issues regarding Medicaid coverage for transgender surgery and related procedures were moot. The instant case concerns a separate appeal, filed on June 8, 2008, regarding the petitioner's dispute with the Department over the allowance of certain medical expenses toward a Medicaid spenddown amount (not in dispute) imposed on the petitioner for the six-month period beginning March 1, 2008.

A telephone status conference was held in this matter on July 16, 2008, at which time the Department alleged that it

was in the process of investigating whether the petitioner had failed to report resources that would make her ineligible for Medicaid regardless of her spenddown. The matter was continued to allow the Department to notify the petitioner of its decision in this regard.

At a hearing held on August 13, 2008 the Department confronted the petitioner with records of previously undisclosed trust disbursements, stocks, and motor vehicles allegedly owned by the petitioner or that exist for her benefit, the total of which was far in excess of the Medicaid resource limit of \$2,000. The hearing officer directed the Department to provide written notice and documentary evidence of these alleged resources, and gave the petitioner two weeks from then to file any written response or argument.

By letter dated August 21, 2008 the Department informed the Board that it had determined that the petitioner was ineligible for Medicaid on the basis of these resources, which according to the attached records provided by the Department included \$211,000 in cash disbursements to the petitioner since December 2004, stocks valued at \$26,000 at time of transfer, and two cars and three transport trailers currently registered to the petitioner, and three "antique"

cars currently unregistered. To date, the petitioner has not responded to this filing.

ORDER

The petitioner's appeal regarding her spenddown is dismissed as moot.

REASONS

Given the Department's subsequent decision regarding the petitioner's alleged resources, any issue regarding a spenddown that was determined in the absence of consideration of the petitioner's resources appears to be the least of the petitioner's problems regarding her ongoing eligibility for Medicaid. If the petitioner disagrees with the Department's decision regarding her resources she is free to appeal that decision. Unless and until she does, however, any issue regarding her spenddown must be considered moot. Accordingly, the petitioner's appeal must be dismissed.

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